

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing

(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference

see form PCT/ISA/220

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/EP2004/052025

International filing date (day/month/year)

03.09.2004

Priority date (day/month/year)

24.06.2003

International Patent Classification (IPC) or both national classification and IPC

C08J9/00, C08J9/08, C08L53/02, C08F8/04

Applicant

KRATON POLYMERS RESEARCH B.V.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 56.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**International application No.
PCT/EP2004/052025

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**International application No.
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Box No. II Priority

- 1.
- ☒
- The following document has not been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

- 2.
- ☐
- This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43
- bis*
- .1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-12
	No: Claims	
Inventive step (IS)	Yes: Claims	1-12
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-12
	No: Claims	

2. Citations and explanations

see separate sheet

10/589705

IAP11 Rec'd PCT/PTO 16 AUG 2006

International application No.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

PCT/EP2004/052025

Re Item V.

The following documents are referred to in this communication

D1: WO 01/02263

D2: US 6 127 444

D3: WO 00/26103

Novelty and inventive step (Art. 33(2) and 33(3) PCT):

1) D1 discloses foamable polymeric compositions comprising a linear styrene-ethylene/butylene-styrene block copolymer (b) as defined in present claim 1, a softener (d) as defined in present claim 9, a linear styrene-ethylene/propylene block copolymer, a polypropylene, and a blowing agent (see D1, the examples on page 14-15).

D2 discloses foamable polymeric compositions comprising a linear styrene-ethylene/butylene-styrene block copolymer (a) as defined in present claim 1, a softener (d) as defined in present claim 9, a polypropylene and a blowing agent (see D2, from column 7, line 15 to column 9, line 58).

D3 discloses foamable polymeric compositions comprising a high crystallinity polypropylene, a styrene-ethylene/butylene-styrene block copolymer, ethylene-octene copolymers, a polyolefin extending oil, processing additives (see D3, Examples 1-5 from page 29, line 15, to page 34, line 15).

None of the above cited documents discloses:

- all the components (a), (b), (c), (d), (e) as defined in present independent claim 1 (only two of them, (a) and (d) or (b) and (d) are disclosed in D2 and D1 respectively);
- the proportions in which (a), (b), (c), (d), (e) are involved in the compositions according to the present application.

Consequently, the subject-matter of present independent claim 1 is novel.

The problem to be solved by the present application can be regarded as the provision of alternative foamable compositions.

There is no suggestion in the prior art on file to solve the problem in the claimed manner.

The subject-matter of present independent claim 1 involves therefore an inventive step.

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3) Present independent claims 11 and 12 involve the subject-matter of present independent claim 1 and are therefore novel and inventive as well.

4) Claims 2 to 10 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.